

Order

Michigan Supreme Court
Lansing, Michigan

October 3, 2012

Robert P. Young, Jr.,
Chief Justice

ADM File No. 2011-03

Michael F. Cavanagh
Marilyn Kelly

Amendment of Rule 9.113
of the Michigan Court Rules

Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 9.113 of the Michigan Court Rules is adopted, effective January 1, 2013.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

Rule 9.113 Answer by Respondent

- (A) Answer. Within 21 days after being served with a request for investigation under MCR 9.112(C)(1)(b) or such further time as permitted by the administrator, the respondent shall file with the administrator a written answer signed by respondent in duplicate fully and fairly disclosing all the facts and circumstances pertaining to the alleged misconduct. Misrepresentation in the answer is grounds for discipline. Respondent's signature constitutes verification that he or she has read the document. The administrator shall provide a copy of the answer and any supporting documents, or documents related to a refusal to answer under MCR 9.113(B)(1), to the person who filed the request for investigation ~~unless the~~ If the administrator determines that there is cause for not disclosing some or all of the answer or documents supporting the answer, then the administrator need not provide those portions of the answer or the supporting documents to the person who filed the request for investigation.

(B)-(D)[Unchanged.]

Staff Comment: The amendment of MCR 9.113(A) clarifies that the grievance administrator has the discretion to withhold all or part of respondent's answer and any supporting documents from the person who filed the request for investigation.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 3, 2012

Corbin R. Davis

Clerk